

- - REMARKS - -

Claims 1-29 are currently pending in the application. Claims 1, 8 and 22-25 have been amended. The changes to the amended claim from the previous version to the rewritten version are shown above with brackets for deleted matter and underlines for added matter. No new matter has been added as a result of this amendment.

In the outstanding Office Action, claims 2, 5-6, 8, 14 and 16 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, these claims have been rejected as lacking proper antecedent basis for the limitation "second outer handle member". The claims have been amended to correct these informalities.

In the outstanding Office Action, claims 1-6 and 8-12 have been rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,579,279 to Rabiner et al. (hereinafter "Rabiner"). Claims 22, 25 and 27-28 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,283,951 to Flaherty et al. (hereinafter "Flaherty"). The remaining claims have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rabiner, Flaherty, U.S. Patent No. 5,611,778 to Brinon (hereinafter "Brinon"), and/or U.S. Patent No. 6,524,259 to Baxter-Jones et al. (hereinafter "Baxter-Jones"). The claim rejections under 35 U.S.C. §§ 102 and 103 are respectfully traversed. The claims have nevertheless been amended to further clarify the invention and to eliminate any ambiguities that may have been the basis for the rejections.

Independent claims 1, 22 and 25 are each directed to a handle for a medical device, and independent claim 24 is directed to a medical device assembly comprising a handle. Each of these claims requires an inner handle member having proximal and distal end portions, a first outer handle member slideably disposed on the proximal end portion, and a second outer handle member slideably disposed on the distal end portion, wherein the proximal and distal end portions are separated by a stop. A sheath is connected to the inner handle member and a stylet is connected to the first outer handle portion.

As explained in detail in the specification for the instant application, axial movement of the first outer handle member relative to the inner handle member causes

the stylet to move axially relative to the sheath. Moreover, the relative positions of the inner handle member and the first outer handle member can be used to determine the position of the stylet relative to the sheath. Axial movement of the second outer handle member (relative to the inner handle member) is unrelated to the movement of the first outer handle member (relative to the inner handle member), and therefore also unrelated to the movement of the stylet. However, the relative position of the second outer handle member (relative to the inner handle member) can be used to alter or determine the length of the sheath (and stylet) extending distally from the handle. These features and limitations are not disclosed or suggested by the prior art.

Rabiner is directed to a steerable catheter device and discloses a handle comprising outer handle portion that is slideably and rotatably mounted on a handle body portion. The Rabiner handle does not, however, include a second outer handle portion that is slideably mounted on the handle body portion as required by each of the independent claims. The handle disclosed by Rabiner therefore does not meet the limitations of each of the independent claims requiring a two separate outer handle members each slideably mounted on an inner handle member.

Flaherty likewise fails to disclose the limitations of each of the independent claims. Flaherty is directed to a system and method for delivering drugs to a selected location within the body of a patient and discloses a handle attached to a catheter. It is the Examiner's contention that elements 68 and 70, as shown in Fig. 1A-1B, disclose the first and second outer handle portions, respectively, called for by each of the independent claims. Applicant respectfully disagrees. Element 68 is described as a "needle thumb slide" and element 70 is described as an "adjustable needle stop". Thus, it is apparent that "adjustable needle stop 70" is used to limit the axial movement of "needle thumb slide 68". More importantly, "adjustable needle stop 70" appears to have nothing to do with determining or altering the length of the sheath (and stylet) extending distally from the handle, which as explained above is the purpose or function of the second outer handle member.

Flaherty also fails to disclose the "stop" called for by each of the independent claims. As set forth in these claims, the "stop" separates the proximal and distal end

portions of the inner handle member. The "stop" likewise separates the first and second outer handle portions. Flaherty fails to disclose any such "stop".

Brinon and Baxter-Jones likewise fail to disclose or suggest the same limitations demonstrated above to be absent from Rabiner and Flaherty. No further discussion of these references is therefore warranted.

Accordingly, independent claims 1, 22, 24 and 25 are not rendered unpatentable by the prior art references, either alone or if combined. The remaining claims are each dependent on one of these independent claims and are therefore likewise patentable.

Accordingly, it is believed that the application is in condition for allowance, and such allowance is now earnestly requested. If for any reason the Examiner is not able to allow the application, he is requested to contact the Applicant's undersigned attorney at (312) 321-4273.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Milz", is written over a horizontal line.

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